

Prevention of Sexual Harassment Policy

POLICY:

The Pahal Financial Services Private Limited [PFSP], is an equal employment opportunity company and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company, have the right to be treated with dignity.

Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. Accordingly, PFSP has drafted and implemented this policy to comply with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (in short "Act").

SCOPE AND EFFECTIVE FROM:

This Policy extends to all employees (full-time, part-time, trainees and those on contractual assignments), clients of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. As per the provisions of the Act, the term "Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- ◆ Physical contact and advances; or
- ◆ A demand or request for sexual favors; or
- ◆ Making sexually colored remarks; or
- ◆ Showing pornography; or
- ◆ Sexual exploitation or
- ◆ Sexual Abuse or
- ◆ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- ◆ Implied / explicit promise of preferential treatment in her / his employment or
- ◆ Implied / explicit threat of detrimental treatment in her / his present employment or future employment
- ◆ interference with her work or creating an intimidating or offensive or hostile work Environment for her; or
- ◆ Humiliating treatment likely to affect her / his health and safety.

Thus “**Sexual harassment**” would mean and include any of the following:

- ◆ Unwelcome sexual advances, requests or demand for sexual favors, either explicitly or implicitly, in return for employment, Promotions, examination or evaluate on of a person towards any company activity.
- ◆ Unwelcome sexual advance including verbal, Nonverbal or physical conduct such as any remarks, Jokes, letters, phone calls, emails, gestures, showing pornography, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal / Nonverbal communication which offends the individual sensibilities and affect her/his performance.
- ◆ Eve teasing, innuendos and taunts, physical confinement against one’s will and likely to intrude upon one’s privacy.
- ◆ Any sexually related behaviour that is unwelcomed, unsolicited and unreciprocated and would cause a reasonable person in circumstances to be offended, humiliated or intimated. It does not refer occasional compliments or other mutually accepted behaviour.
- ◆ In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of an employee, will be considered as sexual harassment.

“Aggrieved Person” means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

“Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

“Internal Complaints Committee” means a committee constituted by Company as per this Policy.

“Respondent” means a person against whom the aggrieved person has made a complaint.

“Sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

“Sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

The other terms which are not defined herein, shall have the same meaning and understanding as per the provisions of the Act and/or Rules made there under as may be applicable from time to time.

Internal Complaints Committee:

Every complaint received shall be forwarded to Internal Complaint Committee (ICC) formed under the policy for redressal. The investigation shall be carried out by ICC constituted for this purpose.

ICC/Committee has been constituted of the following members as nominated by the Company:

- ◆ A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- ◆ Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- ◆ One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal Complaints Committee is as will be following and any change in such composition shall be affected in the policy.

Composition of Internal Complaints Committee (ICC)

| Sr. No. | Name | Designation | Membership |
|---------|--------------------|-----------------|--|
| 1 | Ms. Firuzi Vakil | Head Operations | Presiding Officer (Sr. Woman Employee) |
| 2 | Ms. Nisha Dwivedi | Nodal Officer | Member (Woman Employee) |
| 3 | Mr. Jayesh Dwivedi | Lawyer | Member (NGO/Lawyer) |

At least half of the total members of the Committee must be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Company.

COMPLAINT REDRESSAL MECHANISM:

- ◆ Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.
- ◆ The Presiding Officer or any Member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- ◆ On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow principle of Natural Justice while handling such complaints.
- ◆ Where the aggrieved person is unable to make a complaint because his/her/their physical incapacity, a complaint may be filed by-
 - a) A relative or friend; or b) a co-worker; or c) an officer of the National Commission for Women or State Women's Commission; or d) any person who has knowledge of the incident, with the written consent of the aggrieved person.
- ◆ Where the aggrieved person is unable to make a complaint because his/her/their mental incapacity, a complaint may be filed by-
 - a) A relative or friend; or b) a special educator or c) a qualified psychiatrist or psychologist; or

d) The guardian or authority under whose care they are receiving treatment or care; or e) any person who has knowledge of the incident jointly with any of the above.

- ◆ Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
- ◆ Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his / her / their legal heir.
- ◆ ICC on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
- ◆ The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:
 - Six Copies of complaint along with supporting documents and names and address of witness shall be sent to the Presiding Officer, Internal Complaints Committee at H.O. address of the Company in sealed envelope
 - On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
 - Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
 - ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as & when necessary.
 - ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - The ICC must complete its investigation within a period of 90 days from the date of receipt of the Complaint.
 - The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - For conducting the enquiry, the quorum of the ICC shall be of 3 members including the Presiding Officer.

- The ICC at the written request of the aggrieved person may recommend to the employer to restrain the respondent from reporting on the work performance of the aggrieved person or writing his/her confidential report and assign the same to another officer.
- ◆ The ICC may before initiate an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:
 - Monetary settlement will not be made as a basis of conciliation.
 - Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the ICC.

- ◆ The ICC may during such investigation may exercise the power of a civil court, vested in it, in respect of:
 - summoning and enforcing the attendance of any person and examining him under oath;
 - requiring discovery and production of documents;
 - Any other prescribed matter.
- ◆ During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
 - To transfer the aggrieved person or the respondent to any other workplace;
 - Grant leave to the aggrieved person of up to three months which is in addition to leave to which he/she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

ACTION:

- ◆ The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
- ◆ If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- ◆ If the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
 - Take action for sexual harassment as a misconduct.
 - To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
 - To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
 - To deduct from salary / wages such amount of expenditure as may be incurred by the Company incurred with respect to conducting such inquiry against him/her/them.
- ◆ Such action will be taken within 60 days of the receipt of inquiry report by the Company.
- ◆ In case the employer is unable to make such deductions from the salary of the respondent due to his/her being absent or cessation of employment, the ICC may direct to the respondent to pay such sums to the aggrieved person. In case the respondent fails to pay the sum, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer. (Section 13 (3) ii of the Act)
- ◆ **Determination of Compensation-** for the purpose of determining the sums to be paid to the aggrieved person, the ICC shall have regard to –
 - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person;
 - (b) the loss in the career opportunity due to the incident of sexual harassment;
 - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - (d) the income and financial status of the respondent;
 - (e) feasibility of such payment in lump sum or in instalments. (Section 15)

AWARENESS:

- ◆ All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
- ◆ A full policy shall be displayed on the website of the Company. A brief of the policy shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees during their initial Induction.
- ◆ The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- ◆ The Company shall display the notice showing the name of the ICC members at its every establishment at a conspicuous place.

FALSE ACCUSATIONS:

- ◆ The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by the Company. However, there shall be zero tolerance for any false accusation.
- ◆ If the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the ICC may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein.

A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes that he/she has given false evidence or produced forged or misleading documents

- ◆ It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. PFSP recognizes and expects that some claims may be difficult to prove or support or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

MISCELLANEOUS

- ◆ The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee by generally displaying it on the website of the Company. The employees are expected to regularly refer the Company's website in this regard.
- ◆ Nothing contained in these policy or rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
- ◆ The ICC shall prepare an annual report with the following details and shall submit the same to the Company, to include in its Annual report:
 - Number of complaints of sexual harassment received during the year;
 - Number of complaints disposed of during the year;
 - Number of cases pending for more than 90 days;
 - Number of workshops or awareness program against sexual harassment carried out;
 - Nature of action taken by the employer.
- ◆ And will notify relevant law enforcement agency or any other organisation required under applicable act.
- ◆ Where sexual harassment occurs because of an act or omission by any third party or outsider, PF SPL shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- ◆ A member appointed from amongst the non-government organizations shall be entitled to an allowance of Rs. 200/- per day for holding the proceedings of the Internal Committee. Reimbursement of travel cost incurred in travelling by train in 3rd AC or AC bus and auto rickshaw or taxi or the actual amount spent by him/her, whichever is less will also be done.

Confidentiality:

- a. As per Section 16 of the Prevention of Sexual Harassment Act, 2013 provides that the content of complaint made, identity and address of the aggrieved women, respondent, and the witness, any information relating to the Conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the employer under the provision of

the Act shall not to be published, communicated or made known to the public, press and media in any manner.

- b. Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the Act.

CONCLUSION:

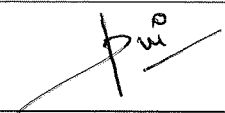
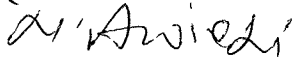

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as May available.

Internal Complaint Committee

| Sr. No. | Name | Designation | Membership | Signature |
|---------|----------------------|--------------------|---|---|
| 1 | Ms. Firuzi Vakil | Head Operations | Presiding Officer (Sr. Woman Employee) |  |
| 2 | Ms Nisha Dwivedi | Nodal Officer | Member (Woman Employee) |  |
| 3 | Mr Jayesh Dwivedi | Lawyer | Member (NGO/Lawyer) |  |